

Message Text

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INFO OCT-01 ISO-00 AID-05 CEA-01 CIAE-00 COME-00 EB-07
EA-07 FRB-03 INR-07 IO-13 NEA-10 NSAE-00 USIA-06
OPIC-03 SP-02 TRSE-00 LAB-04 EPG-02 SIL-01
AGRE-00 OMB-01 JUSE-00 FTC-01 L-03 /089 W
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R 311925Z MAY 77
FM AMEMBASSY PARIS
TO SECSTATE WASHDC 3390

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USOECD

PASS EB (LOCKWOOD), JUSTICE (SHENEFIELD), FTC (GRIMES)

E.O. 11652: N/A
TAGS: EIND, OECD
SUBJECT: OECD RESTRICTIVE BUSINESS PRACTICES COMMITTEE
MEETINGS, MAY 25-27, 1977

1. SUMMARY. SUBJECT COMMITTEE AND ITS WORKING PARTY
3 ON INTERNATIONAL COOPERATION IN RBP MATTERS MET ON
MAY 25-27. A NEW WORKING PARTY ON BUYING POWER AND
RELATED DISCRIMINATORY PRACTICES WAS CREATED, WITH ITS
FIRST MEETING TO BE HELD IN SEPTEMBER. US AND FRG
DELEGATIONS ARE TO SUBMIT NOTES ON INFORMATION
GATHERING AND DUE PROCESS IN RBP PROCEEDINGS AS A
PROBABLE TOPIC FOR A FUTURE WORKING PARTY. ON A PRI-
VATE BASIS, CANADIAN AND JAPANESE DELEGATIONS APPROACHED
US DEL TO DISCUSS COOPERATION AGREEMENTS. END SUMMARY.

2. WORKING PARTY 3 ON INTERNATIONAL COOPERATION IN
RBP MATTERS MET MAY 25, 1977. THE CUSTOMARY DISCUS-
SION OF NOTIFICATIONS WAS UNEVENTFUL. ON QUESTION OF
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CONFIDENTIALITY OF NOTIFICATIONS, CANADIAN DEL RAISED
SERIOUS QUESTIONS ABOUT PROPOSAL FOR A RESOLUTION
URGING GOVERNMENTS TO RESPECT CONFIDENTIALITY. MEMBERS
WERE ASKED TO PROVIDE FURTHER INFORMATION ON REASONS
WHY REQUESTS FOR CONFIDENTIAL TREATMENT COULD NOT
BE HONORED. TOPIC WILL BE RAISED AGAIN AT NEXT MEET-
ING, WHICH WILL BE HELD ON DECEMBER 14, 1977. WORK-

ING PARTY ALSO REQUESTED MEMBER COUNTRIES OF RBP COMMITTEE TO SUBMIT BY END OF JULY 1977 THEIR VIEWS ON WHY 1973 OECD RECOMMENDATION ON CONSULTATIONS HAS NOT BEEN USED AND HOW IT MIGHT BE CHANGED. US DEL BELIEVES RECONSIDERATION OF 1973 CONSULTATION RECOMMENDATION COULD BE BENEFICIAL, ESPECIALLY IN LIGHT OF G-77 DEMANDS FOR CONSULTATION PROCEDURES IN UNCTAD. EXISTANCE OF OECD PROCEDURES HAS MADE REJECTION OF G-77 POSITION MORE DIFFICULT. IF OECD PROCEDURES CAN BE REVISED TO BE SATISFACTORY, US POSITION ON RBP CONSULTATIONS IN UNCTAD CONTEXT WOULD BE STRENGTHENED.

3. RBP COMMITTEE MET MAY 26-27, 1977. THE REPORT ON MULTINATIONAL ENTERPRISES AND RBP'S WAS NOT REVISED DESPITE BIAC REQUEST FOR MODIFICATIONS, ALTHOUGH THE CHAIRMAN OF WP-11 (STOCKMANN OF GERMANY) WAS AUTHORIZED TO CORRECT ANY FACTUAL INACCURACIES. THE COMMITTEE AGREED TO ESTABLISH WORKING PARTY 13 TO STUDY BUYING POWER AND RELATED DISCRIMINATORY PRACTICES. ELEVEN MEMBER COUNTRIES INDICATED AN INTENTION TO JOIN, INCLUDING US. WP-13 IS TO DRAFT ITS OWN TERMS OF REFERENCE SUBJECT TO APPROVAL BY THE COMMITTEE AND WILL ELECT ITS CHAIRMAN. THE FIRST MEETING OF WP-13 IS SCHEDULED FOR SEPTEMBER 29, 1977, FOLLOWING MEETING OF WP-10 ON SEPT. 28 AND PRECEEDING A PREPARATORY MEETING FOR THE UNCTAD RBP EXERCISE ON SEPT. 30.

4. THE CONNECTION WITH THE STUDY OF CONCENTRATION AND COMPETITION POLICY, AN AD HOC WORKING GROUP, WAS LIMITED OFFICIAL USE

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ESTABLISHED AND AUTHORIZED TO CONTINUE PREPARING PREVIOUSLY PRESENTED NATIONAL PAPERS FOR PUBLICATION. US DEL, AS IN PREVIOUS YEARS, DECLINED INVITATION TO PREPARE SUCH A PAPER. IN CONNECTION WITH FUTURE WORK, HOWEVER, US DEL AND FRG DEL AGREED TO PREPARE FEASIBILITY PAPERS ON DUE PROCESS AND INFORMATION GATHERING PROCEDURES IN THE RBP FIELD AS A BASIS FOR A POSSIBLE FUTURE WORKING PARTY.

5. ON A PRIVATE BASIS, CANADIAN DEL APPROACHED US

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DEL AND OUTLINED INTEREST IN FORMALIZING COOPERATION
ARRANGEMENTS ON RB PRACTICES. DISCUSSIONS WILL CON-
TINUE IN CONNECTION WITH US ATTORNEY GENERAL'S VISIT
TO OTTAWA, JUNE 17TH, AND CANADIAN MINISTER OF CONSUMER
AND CORPORATE AFFAIRS ANTHONY ABBOT'S VISIT TO
WASHINGTON, JUNE 21-22.

6. JAPANESE FTC REPRESENTATIVES APPROACHED US DEL
PRIVATELY AND SUGGESTED THAT TWO INFORMAL MEETINGS,
ONE IN WASHINGTON AND ONE IN TOKYO, BE HELD TO FURTHER
DISCUSS POSSIBLE US-JAPAN RBP COOPERATIVE AGREEMENT.
IT APPEARS THAT THERE IS STILL POLITICAL DIVISION IN
JAPAN OVER THE DESIRABILITY OF SUCH AN AGREEMENT. US
DEL HAS THE IMPRESSION THAT THE OFFER OF INFORMAL TALKS
IS FROM THE JAPANESE FTC AND HAS NOT BEEN APPROVED BY
MITI. DETAILS OF MEETING PROPOSAL ARE TO BE FORWARDED
BY GOJ IN THE NEAR FUTURE.

7. PRESENTATION OF ANNUAL REPORTS AND OTHER MATTERS
WAS UNEVENTFUL. NEXT MEETING OF RBP COMMITTEE IS
SCHEDULED FOR DECEMBER 15-16, 1977.
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